

**Miscellaneous Agenda**

- M-1.  
Reserved
- M-2.  
Reserved
- M-3.  
Docket No. CP87-42-000, Grynberg Production Company, Jack Grynberg, and Celeste Grynberg, Complainants, v. Mountain Fuel Resources, Inc., Respondent. Order on Complaint.
- M-4(A).  
Docket No. RM87-16-000, Abandonment of Sales and Purchases of Natural Gas Under Expired, Terminated, or Modified Contracts. Final Rule.
- M-4(B).  
Docket No. CI84-10-006, Felmont Oil Corporation and Essex Offshore, Inc. Order on court remand.
- M-4(C).  
Docket Nos. CP84-348-005, 006 and 007, Mississippi River Transmission Corporation  
Docket No. CP84-183-004, Transcontinental Gas Pipe Line Corporation  
Docket Nos. CI86-307-002, 003, CI86-688-002, 003, CI86-689-001 and 002, Sea Robin Pipeline Company. Rehearing of orders authorizing pipeline to cease purchases.
- M-4(D).  
Docket Nos. CI77-337-002 and G-14227-001, Union Texas Petroleum Corporation. Opinion and order on rehearing. Opinion No. 274-A.

**I. Pipeline Rate Matters**

- RP-1.  
Docket No. RP87-16-000, El Paso Natural Gas Company. Opinion on initial decision concerning take-or-pay buyout and buydown cost passthrough mechanism.
- RP-2.  
Docket Nos. RP86-119-000, TA84-2-9-007 and TA85-1-9-004, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. Order on settlement concerning take-or-pay buyout and buydown cost passthrough mechanism.
- RP-3(A).  
Docket Nos. RP87-55-000 and TA81-1-21-022, Columbia Gas Transmission Corporation. Order on costs to reform contracts.
- RP-3(B).  
Docket Nos. TA81-1-21-022, 023, 024, 025, 026 and 027, Columbia Gas Transmission Corporation. Order on remand.

**II. Producer Matters**

- CI-1.  
Reserved

**III. Pipeline Certificate Matters**

- CP-1.  
Docket No. CP86-232-006, Panhandle Eastern Pipe Line Company. Rehearing of order on complaint alleging undue discrimination.
- CP-2.  
Docket Nos. CP83-75-000, 001 and 002, Consolidated System LNG Company  
Docket Nos. CP80-33-001 and 002, Columbia LNG Corporation. Contested

settlement of proposal to abandon an undivided one half ownership interest in a liquefied natural gas facility.

**CP-3.**

Docket Nos. CP86-492-000, CP86-493-000 and CP86-494-000, Moraine Pipeline Company and Natural Gas Pipeline Company of America. Request for optional certificate to construct facilities and transport gas.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-472 Filed 1-7-88; 11:09 am]

BILLING CODE 6717-01-M

**SECURITIES AND EXCHANGE COMMISSION**

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of January 11, 1988:

A closed meeting will be held on Tuesday, January 12, 1988, at 2:30 p.m. An open meeting will be held on Thursday, January 14, 1988, at 10:00 a.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Grundfest, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, January 12, 1988, at 2:30 p.m., will be:

- Institution of injunctive action.
- Settlement of injunctive action.
- Institution of administrative proceedings of an enforcement nature.
- Settlement of administrative proceeding of an enforcement nature.
- Institution of administrative proceeding.

The subject matter of the open meeting scheduled for Thursday, January 14, 1988, at 10:00 a.m., will be:

1. Consideration of whether to issue a Memorandum Opinion and Order with regard to Sierra Pacific Resources ("Resources"), an exempt intrastate holding company under the Public Utility Holding Company Act of 1935, authorizing Resources to acquire a 14.5% common stock interest in a new company that will construct an electric generating unit to sell electric energy at wholesale. For further information, please contact Robert F. McCulloch at (202) 272-7699.

2. Consideration of whether to adopt new rules and amendments to rules and forms relating to advertising by investment companies. For further information, please contact Robert E. Plaze at (202) 272-2107.

3. Consideration of whether to issue two releases that: (1) Adopt a proposal providing for inclusion of a consent to service of process provision on behalf of the Commission and self-regulatory organizations in Form BD, and (2) propose for public comment inclusion of a provision providing for consent to service of process to any application for a protective decree on behalf of the Securities Investor Protection Corporation. For further information, please contact Henry E. Flowers at (202) 272-2848.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Kevin Fogarty at (202) 272-3195.

Jonathan G. Katz,

Secretary.

January 5, 1988.

[FR Doc. 88-446 Filed 1-6-88; 5:08 p.m.]

BILLING CODE 8010-01-M

**TENNESSEE VALLEY AUTHORITY**

Meeting No. 1398

**TIME AND DATE:** 10 a.m. (e.s.t.),  
Wednesday, January 13, 1988.

**PLACE:** TVA West Tower Auditorium,  
400 West Summit Hill Drive, Knoxville,  
Tennessee.

**STATUS:** Open.

**AGENDA**

Approval of minutes of meeting held on December 16 and 21, 1987.

**Discussion Item**

1. Report on Existing Industries Program.

**Action Items****Old Business**

1. Cooperative Agreement with North Atlantic Technologies, Inc. for Cooperation in a Project to Demonstrate an Open Channel Air Preheater Test Program in Support of the 20-MW Hybrid Atmospheric Fluidized Bed Combustion Project.

2. Modification of Fiscal Year 1988 Capital Budget Financed from Power Proceeds and Borrowings—(2.1) Test and Replacement Program for Silicone Cables at the Sequoyah Nuclear Plant; (2.2) Provide Engineering and Related Services in Support of the Integrated Design Inspection for the Emergency Raw Cooling Water System at the Sequoyah Nuclear Plant; (2.3) Civil Engineering Calculation Regeneration Program at the Sequoyah Nuclear Plant; (2.4) Special System Review of the Design, Modification, Testing, and Operation of Emergency Equipment Cooling Water and Residual Heat Removal Systems at Browns Ferry Nuclear Plant; and (2.5) Configuration Management to Provide



Calculations Supporting the Design Basis and Plant Configuration Required at Browns Ferry Nuclear Plant.

#### New Business

#### A—Budget and Financing

A1. Modification of Fiscal Year 1988 Capital Budget Financed from Power Proceeds and Borrowings—Replace Existing Telephone System at the Nuclear Plants.

A2. Modification of Fiscal Year 1988 Capital Budget Financed from Power Proceeds and Borrowings—Replace Generator Circuit Breaker and Cables at Ocoee No. 1 Hydro Plant.

#### B—Purchase Awards

B1. Request for Proposal AB-06700A—Rehabilitation of Existing Insulation, Ductwork, and Precipitator Shell at Bull Run Fossil Plant.

B2. Request for Proposal YD-763262-01—Corporate Data Center Systems Procurement for the ADP Equipment Management Branch.

B3. Negotiation YE-204634—IBM or IBM Compatible Equipment for the ADP Equipment Management Branch.

#### C—Power Items

\* C1. Power Contract with the Aluminum Company of America (ALCOA) for Power Supply to ALCOA's Aluminum Reduction and Fabrication Plants at Alcoa, Tennessee, and an Amending Agreement with Tapoco Providing for Eventual Discontinuance of the Primary Exchange of Power and the Replacement of the Existing Settlement Provisions for Exchange Energy Owed TVA.

\* This item approved by individual Board members.

This would give formal ratification to the Board's action.

C2. Power Contract with Tennessee River Pulp & Paper Company Providing for Power Supply for Operation of the Company's Pulp and Paper Mill Near Counce, Tennessee.

C3. Amendment to White Oak Coal Lease (TV-63282A) with Dollar Branch Coal Corporation of Manchester, Kentucky.

C4. Contract No. TV-73571A with the Tennessee Emergency Management Agency Covering Arrangements for Purchase of Equipment Necessary to Implement Radiological Emergency Plans Required by the Nuclear Regulatory Commission and the Federal Emergency Management Agency.

#### D—Personal Items

\* D1. Recommendations for Hourly and Annual Trades and Labor Employees Resulting from Negotiations Between TVA and Tennessee Valley Trades and Labor Council—52nd Annual Wage Conference.

D2. Supplement to Employee Loan Agreement (TV-72614A) with RLG, Inc., Requested by the Office of Nuclear Power.

D3. Supplement to Employee Loan Agreement (TV-71871A) with Seehuus & Hart, Associates, Inc., Requested by the Office of Nuclear Power.

D4. Supplement to Personal Services Contract No. TV-71877A with Shaw, Pittman, Potts & Trowbridge of Washington, DC, for Legal Services, Requested by the Office of the General Counsel.

D5. Supplement to Personal Services Contract No. TV-63868A with Praxis Engineers, Inc., Milpitas, California, for Development of a Coal Preparation Process Control System, Requested by the Office of Power.

#### E—Real Property Transactions

E1. Sale of a Permanent Easement to Larry J. and Peggy Taylor for an Access Road, Turnaround, and Maintenance of a Mailbox,

Affecting 0.1 Acre of Fort Loudoun Reservoir Land in Blount County, Tennessee—Tract No. XFL-120H.

#### F—Unclassified

F1. Supplement to Contract (TV-72077A) with U.S. Department of Agriculture, Forest Service, Northeastern Forest Experiment Station, Providing for Conduct of Exposure Experiments at Whitetop Mountain to Determine Cause of Red Spruce Decline in High Elevation of Southern Appalachians.

F2. Supplement to Letter Agreement (TV-69657A) with the Missouri River Division Laboratory, Corps of Engineers, U.S. Department of Army, for Performance of Environmental Laboratory Analyses to Determine Priority Pollutants at Certain Sampling Sites Located in the Missouri River Division of the Corps of Engineers.

F3. Agreement (TV-73595A) with Hawaiian Sugar Planters' Association Providing for Cooperation in the Development and Implementation of Projects Related to Options for Sugar Cane Producers with Respect to Energy.

F4. Revision to TVA Code Relating to Regional Human Resource Development.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Alan Carmichael, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: January 6, 1988.

W.F. Willis,

General Manager.

[FR Doc. 88-488 Filed 1-7-88; 1:26 pm]

BILLING CODE 8120-01-M



# Corrections

Federal Register

Vol. 53, No. 6

Monday, January 11, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[PP 6E3425/R924; FRL—3305—6]

#### Pesticide Tolerance for N— (Mercaptomethyl) Phthalimide S— (O,O—Dimethyl Phosphorodithioate)

#### Correction

In rule document 87-29369 beginning on page 48538 in the issue of Wednesday, December 23, 1987, make the following correction:

#### § 180.261 [Corrected]

On page 48539, in the second column, in § 180.261(b), in the table, in the second column, "01" should read "0.1".

BILLING CODE 1505-01-D

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

#### 42 CFR Parts 431, 435, 440, and 441

[BERC—513—F]

#### Medicaid Program; Relations With Other Agencies, Miscellaneous Medicaid Definitions, Third Party Liability Quality Control, and Limitations on Federal Funds for Abortions

#### Correction

In rule document 87-28903 beginning on page 47926 in the issue of Thursday, December 17, 1987, make the following corrections:

1. On page 47927, in the third column, in the 27th line, "recipient who are" should read "recipients who are not".

2. On page 47931, in the third column, in paragraph (d), in the third line, "Pub. L. 97-272" should read "Pub. L. 96-272".

#### § 431.625 [Corrected]

3. On page 47933, in the first column, in § 431.625(a)(1), in the second line, "requests" should read "requires".

#### § 435.1009 [Corrected]

4. On page 47934, in § 435.1009, in the first column, in the introductory text, in the fourth line, "physical" should read "physician" and in the second column, in the first line, "insitution" should read "institution".

BILLING CODE 1505-01-D





# Estimate Part 1 Federal Acquisition Regulation

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Monday  
January 11, 1988

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## Part II

### Department of Defense General Services Administration National Aeronautics and Space Administration

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48 CFR Part 7 et al.  
Federal Acquisition Regulation;  
Miscellaneous Amendments



## DEPARTMENT OF DEFENSE

## General Services Administration

## National Aeronautics and Space Administration

48 CFR Parts 7, 8, 13, 14, 19, 22, 25, 26, 28, 29, 33, 42, 45, and 52

[Federal Acquisition Circular 84-32]

## Federal Acquisition Regulation; Miscellaneous Amendments

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** Federal Acquisition Circular (FAC) 84-32 amends the Federal Acquisition Regulation (FAR) with respect to the following: A-76 Cost Comparison Public Review Period Revision; Revision to FAR 8.405-1(a); Blanket Purchase Agreement Authorization Lists; Release of Solicitation Mailing Lists; Small Business Size Standards; Revision Regarding Applicability of CWHSSA to FAR 22.305; Reporting Veteran's Employment; Adding Names to Two Countries to the European Economic Community List; Other Socioeconomic Programs; Noncompliance with Bid Guarantee Requirements; Excise Tax Exemptions; GSBGA Jurisdiction; Vists to Contractor Facilities; and Use of Property Clauses in Service Contracts.

**EFFECTIVE DATE:** January 29, 1988.

**FOR FURTHER INFORMATION CONTACT:** Margaret A. Willis, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405.

## SUPPLEMENTARY INFORMATION:

## A. Paperwork Reduction Act

*FAC 32, Items I, II, III, IV, V, VI, VIII, IX, X, XI, XII, XIII, and XIV.* The Paperwork Reduction Act (44 U.S.C. 3501, et seq.) does not apply because these final rules do not impose any additional reporting or recordkeeping requirements or collection of information from offerors contractors or members of the public which require the approval of OMB under the Act.

*FAC 32, Item VII.* OMB has assigned OMB Control No. 1293-0005 to the DOL information collection requirements.

## B. Regulatory Flexibility Act

*FAC 32, Items I, II, III, IV, V, VI, VIII, IX, X, XI, and XII.* Analysis of the proposed revisions indicate that they are not "significant revisions" as defined in FAR 1.501, i.e., they do not

alter the substantive meaning of any coverage in the FAR having a significant cost or administrative impact on contractors or offerors, or have significant effect beyond the internal operating procedures of the issuing agencies. Accordingly, and consistent with 41 U.S.C. 418b pertaining to publication of proposed regulations (as implemented in FAR Subpart 1.5, Agency and Public Participation), solicitation of agency and public views on the proposed revisions is not required. Since such solicitation is not required, the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) does not apply.

*FAC 32, Item VII.* In the **Federal Register** on March 4, 1987 (52 FR 6677), the Department of Labor certified that their final rule will not have a "significant economic impact upon a substantial number of small entities" within the meaning of 5 U.S.C. 605(b).

*FAC 32, Item XIII.* Because the final rule impacts only the Federal Government, the final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and 41 U.S.C. 418b, and publication for public comment is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected FAR Subpart will be considered in accordance with 5 U.S.C. 610.

*FAC 32, Item XIV.* The DoD, GSA, and NASA certify that this rule will not have a significant economic impact on a substantial number of small entities as the rule merely relieves contractors of responsibility for Government property under circumstances where the property is located on Government installations and the contractor thereby has less than full control over the property. No comments from small entities were received regarding the Initial Regulatory Flexibility Act Analysis prepared for the proposed rule and published in the **Federal Register** on February 21, 1986 (51 FR 6360). A final Regulatory Flexibility Analysis has been prepared and is on file in the Office of the FAR Secretariat.

## C. Public Comments

*FAC 32, Item IV.* A proposed rule was published on November 19, 1986 (51 FR 41897). The comments received were not considered to be of such significance as to require any change to the proposed rule.

*FAC 32, Item XIV.* A proposed rule was published in the **Federal Register** on February 21, 1986 (51 FR 6360). As a result of the public comments, only one change was made to the proposed rule to correct a typographical error at 45.106(d).

List of Subjects in 48 CFR Parts 7, 8, 13, 14, 19, 22, 25, 26, 28, 29, 33, 42, 45, and 52

Government procurement.

Dated: January 5, 1988.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition and Regulatory Policy.

## Federal Acquisition Circular

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 84-32 is effective January 29, 1988.

December 28, 1987.

Eleanor R. Spector,

Deputy Assistant Secretary of Defense for Procurement.

December 24, 1987.

Paul Traus,

Acting Administrator, General Services Administration.

S.J. Evans,

Assistant Administrator for Procurement, NASA.

Federal Acquisition Circular (FAC) 84-32 amends the Federal Acquisition Regulation (FAR) as specified below:

## Item I—A-76 Cost Comparison Public Review Period Revision

FAR 7.306(b)(3) is revised to conform with the policy presently set forth in the supplement to the Office of Management and Budget (OMB) Circular number A-76 (revised August 1983) Part I, Chapter 2, Section I, Appeals of Cost Comparisons, paragraph 6a which specifies a period of 15 to 30 working days for the public review period.

## Item II—Revision to FAR 8.405-1(a)

FAR 8.405-1(a) is revised to provide that, in the case of Multiple-Award Schedules, ordering offices shall fully justify in their contract file, any orders over \$1,000.00 per line item placed at other than the lowest price. The dollar threshold has been raised from \$500.00 to \$1,000.00.

## Item III—Blanket Purchase Agreement Authorization Lists

FAR 13.203-1(j)(5) is revised to allow an alternate method of identification of individuals authorized to place PBA calls. The current method, providing a list of names of the individuals authorized to place PBA calls to the supplier, is administratively burdensome where frequent personnel changes occur. This change will allow identification by position title.



**Item IV—Release of Solicitation Mailing Lists**

FAR 14.205-5 is revised to clarify that contracting offices may require written requests for the release of lists of prospective bidders who were furnished copies of plans and specifications on construction contracts.

**Item V—Size Standards**

FAR 19.102 is revised to add two SIC codes that were not included in the new tables published in FAC 84-28.

**Item VI—Revision Regarding Applicability of CWHSSA to FAR 22.305**

FAR 22.305 is revised to delete the applicability to Eniwetok Atoll and Kwajalein Atoll from the Contract Work Hours Safety Standards Act.

**Item VII—Reporting Veteran's Employment**

FAR 22.1300 is revised and the clause at 52.222-37 is added to include the Department of Labor reporting requirements related to special disabled veterans and veterans of the Vietnam era.

**Item VIII—Adding Names of Two Countries to the European Economic Community List**

FAR 25.104(a) is revised by adding Portugal and Spain to the European Economic Community list of countries.

**Item IX—Other Socioeconomic Programs**

FAR Part 26, Other Socioeconomic Programs, is added (no text at FAR level) to facilitate agency needs to promulgate additional agency-level socioeconomic coverage within Subchapter D, Socioeconomic Programs.

**Item X—Noncompliance With Bid Guarantee Requirements**

FAR 28.101-4 is revised to provide contracting officers with additional situations where consideration may be given to the waiver of noncompliance with bid guarantee requirements.

**Item XI—Excise Tax Exemptions**

FAR 29.202 is revised to update the Code of Federal Regulations citations. A new section 29.203, Other Federal tax exemptions, is added to include federal tax exemptions other than for manufacturers or special fuels excise taxes.

**Item XII—General Services Board of Contract Appeals Jurisdiction**

FAR 33.105(a)(1) is revised to reflect a recent revision of 40 U.S.C. 759(f) to give the CSBCA authority to determine its own jurisdiction.

**Item XIII—Visits to Contractor Facilities**

FAR 42.101(a) and 42.402(a) and (b) are revised to specify that prospective visitors to contractor facilities are to provide information concerning the visit to the cognizant Contract Administration Office (CAO) sufficiently in advance and in adequate detail so as to permit the CAO to advise the visitors in the event information related to contract administration functions currently exists that may satisfy the stated purpose of the visit. This is to preclude duplicate demands being made upon contractors.

**Item XIV—Use of Property Clauses in Service Contracts**

FAR 45.103, 45.106, and 52.245-4 are revised to clarify the contractor's responsibility for Government-furnished property under service contracts performed at Government installations.

Therefore, 48 CFR Parts 7, 8, 13, 14, 19, 22, 25, 26, 28, 29, 33, 42, 45, and 52 are amended as set forth below:

1. The authority citation for 48 CFR Parts 7, 8, 13, 14, 19, 22, 25, 26, 28, 29, 33, 42, 45, and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

**PART 7—ACQUISITION PLANNING**

2. Section 7.306 is amended in paragraph (b)(3) by revising the second sentence to read as follows:

**7.306 Evaluation.**

(b) \* \* \*

(3) \* \* \* The review period shall last for the period specified in the solicitation (at least 15 working days, up to a maximum of 30 working days if the contracting officer considers the action to be complex). \* \* \*

**PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES****8.405-1 [Amended]**

3. Section 8.405-1 is amended in the second sentence of paragraph (a) by removing the figure "\$500" and inserting in its place the figure "\$1,000".

**PART 13—SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES**

4. Section 13.203-1 is amended by revising paragraph (j)(5) to read as follows:

**13.203-1 General.**

(j) \* \* \*

(5) Notice of individuals authorized to purchase under the BPA and dollar limitations by title of position or name. A statement that a list of individuals authorized to purchase under the BPA, identified either by title of position or by name of individual, organizational component, and the dollar limitation per purchase for each position title or individual shall be furnished to the supplier by the contracting officer.

\* \* \*

**PART 14—SEALED BIDDING**

5. Section 14.205-5 is amended in paragraph (b) by adding a second sentence to read as follows:

**14.205-5 Release of solicitation mailing lists.**

\* \* \*

(b) \* \* \* Contracting offices may require written requests and establish appropriate procedures.

**PART 19—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS**

6. Section 19.102 is amended in the size standards tables, Group 36, SIC Code 3699, by removing the size "500" and inserting in its place "750" and by adding numerically in Major Group 50, two SIC codes and their corresponding description and size to read as follows:

**19.102 Size standards.**

\* \* \*

5051 Metals Service Centers and Offices—100

5052 Coal and Other Minerals and Ores—100

\* \* \*

**PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS****22.305 [Amended]**

7. Section 22.305 is amended in paragraph (e) by removing the words "Eniwetok Atoll, Kwajalein Atoll,".

**22.1300 [Amended]**

8. Section 22.1300 is amended in the first sentence following the parenthetical reference "41 CFR Part 60-250" by adding the words "and Part 61-250".

9. Section 22.1304 is revised to read as follows:

**22.1304 Department of Labor notices and reports.**

(a) The contracting officer shall furnish to the contractor appropriate notices for posting when they are prescribed by the Director.



(b) The Act requires contractors to submit a report at least annually to the Secretary of Labor regarding employment of Vietnam era and special disabled veterans unless all of the terms of the clause at 52.222-35, Affirmative Action for Special Disabled and Vietnam Era Veterans, have been waived (see 22.1303). The contractor shall use Standard Form VETS-100, Federal Contractor Veterans' Employment Report, to submit the required reports.

10. Section 22.1308 is amended by revising the section title, by redesignating paragraph (b) as (c), and by adding a new paragraph (b) to read as follows:

#### § 22.1308 Contract clauses.

(b) The contracting officer shall insert the clause at 52.222-37, Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era, in solicitations and contracts containing the clause at 52.222-35, Affirmative Action for Special Disabled and Vietnam Era Veterans.

### PART 25—FOREIGN ACQUISITION

#### 25.103 [Amended]

11. Section 25.103 is amended by removing the words "Defense Acquisition Regulation" and inserting in their place the words "Department of Defense (DOD) Federal Acquisition Regulation Supplement".

#### 25.104 [Amended]

12. Section 25.104 is amended in paragraph (a) by removing in the second and fourth sentences the date "January 1, 1981" and inserting in each place the date "January 1, 1986" and by adding alphabetically in the third sentence following the word "Netherlands", the words "Portugal, Spain".

13. Part 26 is added to read as follows:

### PART 26—OTHER SOCIOECONOMIC PROGRAMS

**Note.**—This part contains to text at the FAR level. It has been created to facilitate promulgation of additional agency-level socioeconomic coverage which properly falls under FAR Subchapter D—Socioeconomic Programs, but neither implements or supplements existing FAR Parts 19, 20, nor 22 through 25.

### PART 28—BONDS AND INSURANCE

14. Section 28.101-4 is amended by adding paragraphs (g), (h), and (i) to read as follows:

#### 28.101-4 Noncompliance with bid guarantee requirements.

(g) When an otherwise acceptable bid bond was submitted with a signed bid, but the bid bond was not signed by the offeror.

(h) When an otherwise acceptable bid bond is erroneously dated or bears no date at all.

(i) When a bid bond does not list the United States as obligee, but correctly identifies the offeror, the solicitation number and the name and location of the project involved, so long as it is acceptable in all other respects.

### PART 29—TAXES

#### 29.202 [Amended]

15. Section 29.202 is amended in paragraph (b) by removing the reference "26 CFR 48.4041-12" and inserting in its place "26 CFR 48.4221-3"; by removing in paragraph (c) the reference "26 U.S.C. 4221" and inserting in its place "26 CFR 48.4221-2"; by removing in paragraph (d) the reference "26 CFR 48.4041-9(c)" and inserting in its place "26 CFR 48.4221-4(d)(2)"; by removing in paragraph (d) the period following the word "quarters" and inserting the period following the parenthetical reference "(26 U.S.C. 4041 and 4221)"; and by removing in paragraph (f) the reference "26 U.S.C. 4064(a)" and inserting in its place "26 U.S.C. 4053".

16. Section 29.203 is added to read as follows:

#### 29.203 Other Federal tax exemptions.

(a) Pursuant to 26 U.S.C. 4293, the Secretary of the Treasury has exempted the United States from the communications excise tax imposed in 26 U.S.C. 4251, when the supplies and services are for the exclusive use of the United States. (Secretarial Authorization, June 20, 1947, Internal Revenue Cumulative Bulletin, 1947-1, 205.)

(b) Pursuant to 26 U.S.C. 4483(b), the Secretary of the Treasury has exempted the United States from the federal highway vehicle users tax imposed in 26 U.S.C. 4481. The exemption applies whether the vehicle is owned or leased by the United States. (Secretarial Authorization, Internal Revenue Cumulative Bulletin, 1956-2, 1369.)

### PART 33—PROTESTS, DISPUTES, AND APPEALS

17. Section 33.105 is amended by revising in paragraph (a)(1) the first sentence to read as follows:

#### 33.105 Protests to GSECA.

(a)(1) An interested party may protest an ADP acquisition subject to section 111 of the Federal Property and Administrative Services Act (40 U.S.C. 759) by filing a protest with the GSECA. \* \* \*

### PART 42—CONTRACT ADMINISTRATION

18. Section 42.101 is amended in paragraph (a) by revising the first sentence to read as follows:

#### 42.101 Policy.

(a) Agencies requiring field contract administration or audit services are encouraged to use cross-servicing arrangements with existing contract administration and contract audit components to preclude duplicate demands being made upon contractors (see 42.102(a) for the directories of cognizant offices). \* \* \*

19. Section 42.402 is amended by revising the introductory text of paragraph (a); by redesignating paragraph (b) as (c), and by adding a new paragraph (b) to read as follows:

#### 42.402 Visits to contractors' facilities.

(a) Government personnel planning to visit a contractor's facility in connection with one or more Government contracts shall provide prior notification to the cognizant CAO, with the following information, sufficiently in advance to permit the CAO to make necessary arrangements. Such notification is for the purpose of eliminating duplicative reviews, requests, investigations, and audits relating to the contract administration functions in Subpart 42.3 delegated to CAO's and shall, as a minimum, include the following (see also paragraph (b) of this section):

(b) If the visit will result in reviewing, auditing, or obtaining any information from the contractor relating to contract administration functions, the prospective visitor shall identify the information in sufficient detail so as to permit the CAO, in coordination with the contractor, to determine whether such information, adequate to fulfill the requirement, has recently been reviewed by or is available within the Government. If so, the CAO will discourage the visit and refer the prospective visitor to the Government office where such information is located. Where the office is the CAO, such information will be immediately



forwarded or otherwise made available to the requestor.

#### PART 45—GOVERNMENT PROPERTY

20. Section 45.103 is amended by removing in paragraph (b)(2) the word "or"; by removing in paragraph (b)(3) the period at the end of the sentence and inserting in its place the words "; or" and by adding paragraph (b)(4) to read as follows:

##### 45.103 Responsibility and liability for Government property.

(b) \* \* \*

(4) Negotiated or sealed bid service contracts performed on a Government installation where the contracting officer determines that the contractor has little direct control over the Government property because it is located on a Government installation and is subject to accessibility by personnel other than the contractor's employees and that by placing the risk on the contractor, the cost of the contract would be substantially increased.

21. Section 45.106 is amended by revising paragraph (b)(2) and paragraph (d) to read as follows:

##### 45.106 Government property clauses.

(b) \* \* \*

(2) If the contract is (i) a negotiated fixed-price contract for which prices are not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, or (ii) a fixed-price service contract which is performed primarily on a Government installation, provided the contracting officer determines it to

be in the best interest of the Government (see Subpart 45.103(b)(4)), the contracting officer shall use the clause with its Alternate I.

(d) The contracting officer may insert the clause at 52.245-4, Government-Furnished Property (Short Form), in solicitations and contracts when a fixed-price, time-and-material, or labor-hour contract is contemplated and the acquisition cost of all Government-furnished property to be involved in the contract is \$50,000 or less; unless a contract with an educational or nonprofit organization is contemplated.

#### PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

22. Section 52.222-37 is added to read as follows:

##### 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era.

As prescribed in 22.1308(b), insert the following clause:

##### Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (Jan. 1988)

(a) The contractor shall report at least annually, as required by the Secretary of Labor, on:

(1) The number of special disabled veterans and the number of veterans of the Vietnam era in the workplace of the contractor by job category and hiring location; and

(2) The total number of new employees hired during the period covered by the report, and of that total, the number of special disabled veterans, and the number of veterans of the Vietnam era.

(b) The above items shall be reported by completing the form entitled "Federal Contractor Veterans' Employment Report VETS-100."

(c) Reports shall be submitted no later than March 31 of each year beginning March 31, 1988.

(d) The employment activity report required by paragraph (a)(2) of this clause shall reflect total hires during the most recent 12-month period as of the ending date selected for the employment profile report required by paragraph (a)(1) of this clause. Contractors may select an ending date: (1) As of the end of any pay period during the period January through March 1 of the year the report is due, or (2) as of December 31, if the contractor has previous written approval from the Equal Employment Opportunity Commission to do so for purposes of submitting the Employer Information Report EEO-1 (Standard Form 100).

(e) The count of veterans reported according to paragraph (a) of this clause shall be based on voluntary disclosure. Each contractor subject to the reporting requirements at 38 U.S.C. 2012(d) shall invite all special disabled veterans and veterans of the Vietnam era who wish to benefit under the affirmative action program at 38 U.S.C. 2012 to identify themselves to the contractor. The invitation shall state that the information is voluntarily provided, that the information will be kept confidential, that disclosure or refusal to provide the information will not subject the applicant or employee to any adverse treatment and that the information will be used only in accordance with the regulations promulgated under 38 U.S.C. 2012.

(f) *Subcontracts.* The Contractor shall include the terms of this clause in every subcontract or purchase order or \$10,000 or more unless exempted by rules, regulations, or orders of the Secretary.

(End of clause)

23. Section 52.245-4 is amended by revising the introductory text to read as follows:

##### 52.245-4 Government-Furnished Property (Short Form).

As prescribed in 45.106(d), insert the following clause:

[FR Doc. 88-367 Filed 1-8-88; 8:45 am]

BILLING CODE 6820-61-M







# Part 71

Monday  
January 11, 1988

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## Part III

## Department of Transportation

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Federal Aviation Administration

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### 14 CFR Part 71

### Establishment of Airport Radar Service Areas; Final Rule



## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

[Airspace Docket No. 87-AWA-24]

## Establishment of Airport Radar Service Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This action designates Airport Radar Service Areas (ARSA) at Fayetteville Municipal/Grannis Field Airport, NC; Pope Air Force Base (AFB), NC, and Shaw AFB, SC. Each location is an airport at which a nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of these ARSA's will require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at these locations will reduce the risk of midair collision in terminal areas and promote the efficient control of air traffic.

**EFFECTIVE DATE:** 0901 UTC, February 11, 1988.

**FOR FURTHER INFORMATION CONTACT:** Mr. Joe Gill, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9252.

## SUPPLEMENTARY INFORMATION:

## History

On April 22, 1982, the National Airspace Review (NAR) plan was published in the *Federal Register* (47 FR 17448). The plan encompassed a review of airspace use and the procedural aspects of the air traffic control (ATC) system. The FAA published NAR Recommendation 1-2.2.1, "Replace Terminal Radar Service Areas (TRSA) with Model B Airspace and Service (Airport Radar Service Areas)," in Notice 83-9 (48 FR 34286, July 28, 1983) proposing the establishment of ARSA's at Columbus, OH, and Austin, TX. Those locations were designated ARSA's by SFAR No. 45 (48 FR 50038, October 28, 1983) in order to provide an operational confirmation of the ARSA concept for potential application on a national basis. The original expiration dates for SFAR 45, December 22, 1984, for Austin and January 19, 1985, for Columbus were extended to June 20, 1985 (49 FR 47176, November 30, 1984).

On March 6, 1985, the FAA adopted the NAR recommendation and amended Parts 71, 91, 103 and 105 of the Federal Aviation Regulations (14 CFR Parts 71, 91, 103 and 105) to establish the general definition and operating rules for an ARSA (50 FR 9252), and designated Austin and Columbus airports as ARSA's as well as the Baltimore/Washington International Airport, Baltimore, MD (50 FR 9250). Thus far the FAA has designated 93 ARSA's as published in the *Federal Register* in the implementation of this NAR recommendation.

On August 7, 1987, the FAA proposed to designate ARSA's at Fayetteville Municipal/Grannis Field Airport, NC; Pope AFB, NC, and Shaw AFB, SC, (52 FR 29474). This rule designates ARSA's at these airports. Interested parties were invited to participate in this rulemaking proceeding by submitting comments on the proposal to the FAA. Additionally, the FAA has held informal airspace meetings for each of these proposed airports.

## Discussion of Comments

The FAA received seven comments on the proposed ARSA's. One of the commenters was in favor of all three locations. The remaining commenters offered objections to one or all of the proposed sites.

The Soaring Society of America (SSA) submitted a number of objections to the basic ARSA program. All comments objecting to the ARSA program were considered during the rulemaking for the ARSA rule which was published in the *Federal Register* on March 6, 1985 (50 FR 9252). The SSA, though they found no record of any affiliated organizations near the proposed sites, objected based on their objection to the ARSA program. The SSA offered no site specific recommendations/objections.

One commenter objected to the Fayetteville ARSA based on the impact on his small business, citing the Regulatory Flexibility Act of 1980. The commenter requested that a cutout of the five-mile core be provided for his small private airport.

Provisions have been made in the ARSA program for local letters of agreement to accommodate such small operations. The Facility Manager at Fayetteville has discussed the problem with the commenter and the commenter is satisfied that his objection will be resolved with a letter of agreement.

Another commenter suggested that Fayetteville Approach Control would not be able to handle the increased workload created by the ARSA.

The FAA does not agree. Fayetteville Approach Control currently handles the

traffic participating in the TRSA program which is better than 95 percent of total traffic. The FAA does not anticipate a significant increase in overall traffic, and the facility is confident that they will be able to provide the desired level of service.

The Commander at Simmons Army Airfield submitted a letter supporting the Fayetteville and Pope ARSA's and offered some recommended alterations. The desired alterations would remove the Simmons Army Air Field control zone from the surface area.

The FAA finds the recommendations have merit and through discussions with the proponent has made alterations to the Fayetteville and Pope ARSA's, as reflected in this rule, to the satisfaction of the commenter.

A commenter suggested that the FAA retain the TRSA at Shaw AFB but use ARSA separation standards. He further recommended that two approach corridors be established instead of the five- and ten-mile circles.

The FAA finds that these recommendations are in conflict with the standardization intent of the ARSA program. A National Airspace Review (NAR) Task Group comprised of all facets of aviation recommended that the FAA establish standardized airspace in the vicinity of airports. The recommendation was intended to make it easier for pilots to predict what configuration of airspace they will find when flying into a new area. Therefore, we will not adopt the recommendation. The same commenter also remarked about radio quality and "looser tolerance." These remarks, though not ARSA related, are being passed on to the appropriate offices for investigation.

One commenter had six recommendations for the Shaw ARSA. His first recommendation was to raise the floor of the five- to ten-mile area to Shaw's minimum vectoring altitude (MVA), to allow for more room over antennas and for operation beneath the ARSA. The FAA does not concur. The ARSA concept is designed to enhance safety in the vicinity of airports with significant activity. Theoretically, with the floor of the ARSA at the MVA, an IFR aircraft could be at the MVA and a nonparticipant one foot below. Such a situation could result in a midair collision while both aircraft were operating legally. An ARSA is designed to provide air traffic controllers with information about all aircraft operating to/from and in the vicinity of the primary airport at critical altitudes. This proposal would preclude that at one of the most critical altitudes.



The commenter secondly suggested that the staffing at Shaw was not sufficient to handle the increase in traffic activity. The FAA finds that the staffing at Shaw is not a valid concern. Shaw Approach Control currently operates a TRSA where more than 90 percent of total traffic are participants. The Air Force assures us that the staff at Shaw can handle any probable activity increase and provide the desired level of service.

The commenter also suggested that he was under the impression that the FAA had already made their decision prior to any FAA regulatory process. The FAA has followed regulatory processes. All suggestions/comments to the docket were considered prior to taking any final regulatory action. This is demonstrated by the alteration made to the Fayetteville/Pope ARSA due to suggestions received.

The last two comments from this commenter dealt with the way air traffic is counted for ARSA establishment purposes and potential procedural matters for the Shaw Aero Club.

The FAA finds that the commenter's concerns as to the methods of counting air traffic are not valid. Establishment criteria for an ARSA is based on instrument operations at the primary airport, not overflights transiting the area. Formation flights are counted as one activity not by the number of individual aircraft. Shaw meets the FAA's establishment criteria.

The FAA also finds that the suggestion for the Shaw Aero Club is a procedural matter outside the purview of this rulemaking action. The suggestion involved establishing procedures for the Shaw Aero Club to have unencumbered access between Shaw AFB and Shaw Municipal Airport. The ARSA program does provide for establishment of letters of agreement to minimize the impact where necessary.

#### Regulatory Evaluation

Those comments that addressed information presented in the Regulatory Evaluation of the notice have been discussed above. The Regulatory Evaluation discussed in the NPRM, as clarified by the "Discussion of Comments" contained in the preamble to the final rule, constitutes the Regulatory Evaluation of the final rule. Both documents have been placed in the regulatory docket.

Briefly, the FAA finds that a direct comparison of the costs and benefits of this rule is difficult for a number of reasons. Many of the benefits of the rule are nonquantifiable, especially those associated with simplification and standardization of terminal airspace

procedures. Further, the benefits of standardization result collectively from the overall ARSA program, and as discussed previously, estimates of potential reductions in absolute accident rates resulting from the ARSA program cannot realistically be disaggregated below the national level. Therefore, it is difficult to specifically attribute these benefits to individual ARSA sites. Finally, until more experience has been gained with ARSA operations, estimates of both the efficiency improvements resulting in time savings to aircraft operators, and the potential delays resulting from mandatory participation, will be quite preliminary.

ATC personnel at some facilities anticipate that the process will go very smoothly, that delays will be minimal, and that efficiency gains will be realized from the start. Other sites anticipate that delay problems will occur in the initial adjustment period.

FAA believes these adjustment problems will only be temporary, and that once established, the ARSA program will result in an overall improvement in efficiency in terminal area operations at those airports where ARSA's are established. These overall gains which FAA expects for the ARSA sites established by this rule typify the benefits which FAA expects to achieve nationally from the ARSA program. These benefits are expected to be achieved without additional controller staffing or radar equipment costs to the FAA.

In addition to these operational efficiency improvements, establishment of these ARSA sites will contribute to a reduction of midair collisions. The quantifiable benefits of this safety improvement could range from less than \$100 thousand, to as much as \$300 million, for each accident prevented.

For these reasons, FAA expects that the ARSA sites established in this rule will produce long term, ongoing benefits which will exceed their costs, which are essentially transitional in nature.

#### Regulatory Flexibility Determination

Under the terms of the Regulatory Flexibility Act, the FAA has reviewed this rulemaking action to determine what impact it may have on small entities. FAA's Regulatory Flexibility Determination was published in the NPRM. Some of the small entities which could be potentially affected by implementation of the ARSA program include the fixed-base operators, flight schools, agricultural operations and other small aviation businesses located at satellite airports located within 5 miles of the ARSA center. If the mandatory participation requirement

were to extend down to the surface at these airports, where under current regulations participation in the TRSA and radio communication with ATC is voluntary, operations at these airports might be altered, and some business could be lost to airports outside of the ARSA core. Because FAA is excluding some satellite airports located within the 5-mile ring to avoid adversely impacting their operations, and in other cases will achieve the same purposes through Letters of Agreement between ATC and the affected airports establishing special procedures for operating to and from these airports, FAA expects to eliminate virtually any adverse impact on the operations of small satellite airports which potentially could result from the ARSA program. Similarly, FAA expects to eliminate potential adverse impacts on existing flight training practice areas, as well as soaring, ballooning, parachuting, ultralight, and banner towing activities, by developing special procedures which will accommodate these activities through local agreements between ATC facilities and the affected organizations. For these reasons, the FAA has determined that this rulemaking action is not expected to affect a substantial number of small entities. Therefore, the FAA certifies that this regulatory action will not result in a significant economic impact on a substantial number of small entities.

#### The Rule

This action designates Airport Radar Service Areas (ARSA) at Fayetteville Municipal/Grannis Field Airport, NC; Pope AFB, NC, and Shaw AFB, SC. Each location designated is an airport at which a nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of these ARSA's will require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at these locations will reduce the risk of midair collision in terminal areas and promote the efficient control of air traffic.

For the reasons discussed above, the FAA has determined that this regulation (1) is not a "major rule" under Executive Order 12291; and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

#### List of Subjects in 14 CFR Part 71

Aviation safety, Airport radar service areas.



### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) [Revised, Pub. L. 97-449, January 12, 1983]; 14 CFR 11.69.

#### § 71.50 [Amended]

2. Section 71.501 is amended as follows:

#### Fayetteville Municipal/Grannis Field Airport, NC [New]

That airspace extending upward from the surface to and including 4,200 feet MSL within a 5-mile radius of the Fayetteville Municipal/Grannis Field Airport (lat. 34°59'26"N., long. 78°52'50"W.) excluding that airspace below 1,400 feet MSL within a 1½-mile radius of Gray's Creek Airport (lat. 34°53'01"N., long. 78°50'09"W.); and that

airspace within a 10-mile radius of the airport extending upward from 1,400 feet MSL to and including 4,200 feet MSL, excluding that airspace contained within Restricted Areas R-5311 A, B and C when they are active. This airport radar service area is effective during the specific days and hours of operation of the Fayetteville Tower and Approach Control Facility as established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

#### Pope AFB, NC [New]

That airspace extending upward from the surface to and including 4,200 feet MSL within a 5-mile radius of the Pope AFB (lat. 35°09'58"N., long. 79°01'03"W.), excluding that airspace below 1,400 feet MSL contained in the Simmons Army Air Field, NC, Control Zone, and excluding that airspace contained within Restricted Areas R-5311 A, B and C when they are active; and that airspace within a 10-mile radius of Pope AFB extending upward from 2,000 feet MSL to and including 4,200 feet MSL, beginning at the northern boundaries of R-5311 A, B and C clockwise to the 020° bearing from the airport; and that airspace extending upward from 1,400 feet MSL to and including 4,200 feet MSL within a 10-mile radius of the airport beginning at the 020° bearing from the airport clockwise to the northern boundaries of R-5311 A, B and C, excluding that airspace

contained in R-5311 A, B and C when they are active and excluding that airspace contained in the Fayetteville Municipal/Grannis Field Airport Radar Service Area (ARSA). This ARSA is effective during the specific days and hours of operation of the Fayetteville Approach Control as established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

#### Shaw AFB, SC [New]

That airspace extending upward from the surface to and including 4,200 feet MSL within a 5-mile radius of the Shaw AFB (lat. 33°58'24"N., long. 80°28'24"W.) excluding that airspace below 1,500 feet MSL within a 2-mile radius of the Sumter Municipal Airport (lat. 33°59'42"N., long. 80°21'45"W.); and that airspace extending upward from 1,500 feet MSL to and including 4,200 feet MSL within a 10-mile radius of Shaw AFB, excluding that airspace contained within Restricted Area R-6002 when it is in use.

Issued in Washington, DC, on January 4, 1988.

**Daniel J. Peterson,**  
Manager, Airspace-Rules and Aeronautical  
Information Division.

[FR Doc. 88-414 Filed 1-8-88; 8:45 am]

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